

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CIVIL ACTION
	:	04-1421
v.	:	
	:	CRIMINAL ACTION
WINSTON GORDON	:	NO. 02-184-1

REPORT AND RECOMMENDATION

JACOB P. HART

UNITED STATES MAGISTRATE JUDGE

June , 2005

After Gordon filed a pro se Motion to Vacate, Set Aside, or Correct his Federal Sentence, pursuant to 28 U.S.C. § 2255, the undersigned appointed counsel to represent him in pursuing his claims. When the Government was ordered to file a Response to the Motion, the undersigned was asked to defer ruling on the Motion because the Government was awaiting further information regarding the Defendant's sentence. At this point, counsel for both Mr. Gordon and the Government have informed the Court that Mr. Gordon seeks to withdraw his § 2255 Motion because the Government expects to file a Rule 35 Motion on the Defendant's behalf. See Attached Letters. We can see no reason to delay or frustrate the parties' efforts to amicably resolve this Motion.

Therefore, I make the following:

RECOMMENDATION

AND NOW, this day of , 2005, IT IS
RESPECTFULLY RECOMMENDED that the Defendant's Request to Withdraw his Motion to
Vacate be GRANTED.

JACOB P. HART
UNITED STATES MAGISTRATE JUDGE

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ORDER

BERLE M. SCHILLER, J.,

AND NOW, this day of , 2005,

upon careful and independent consideration of the Defendant's Motion to Vacate Sentence, the Government's letter expressing their intention to file a Motion pursuant to Rule 35, the Defendant's Request to Withdraw his § 2255 Motion, and after review of the Report and Recommendation of United States Magistrate Judge Jacob P. Hart, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The Defendant's Request to Withdraw his Motion to Vacate is GRANTED.
3. The Motion to Vacate Sentence is WITHDRAWN.

BY THE COURT:

BERLE M. SCHILLER, J.